

<b>Interview Summary</b>	Application No.		Applicant(s)	
	10/065,789		HAAN ET AL.	
	Examiner		Art Unit	
	Rashmi K. Sharma		3651	<i>NH</i>

All participants (applicant, applicant's representative, PTO personnel):

- (1) Rashmi K. Sharma. (3) Fred Burkhart.  
 (2) Kathy Matecki. (4) \_\_\_\_\_.

Date of Interview: 16 June 2004.

Type: a) ☐ Telephonic b) ☐ Video Conference  
 c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1, 21 and 33.

Identification of prior art discussed: No.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: A general overview was discussed regarding claims 1, 21 and 33. More specifically, the control system regarding sorter rate and time-based parameters for the supply lines were discussed.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

*Kathy Matecki*

KATHY MATECKI  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 3600

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
 Examiner's signature, if required

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pruett (U.S. Patent number 6,131,372).

Pruett discloses a sortation system comprising:

- A slug building assembly comprising a plurality of supply lines
- An accumulation conveyor (11) accumulating product slug portions
- A slug conveyor (5) combining product slug portions into product slugs where the product slugs are discharged from the slug conveyor
- Selectively holding back portion (58 or 60) on the accumulation conveyor (11) to form the product slug portions, comprising a product stop or a brake belt
- Slug portions closing the gap between product in the slug portions (see Q1)
- One product detector (read column 13 lines 33-64) detecting one parameter of the product at the slug building assembly and at the power feed conveyor
- A controller for controlling the rate of conveyance between power feed conveyor, the accumulating conveyor and the slug conveyor (read column 13 lines 33-64)

- One merge receiving product slugs discharged from the supply lines and combining the product slugs in a single file (see figure 1)

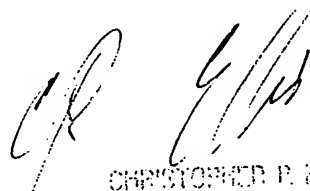
Pruett as disclosed above fails to teach of a sorter assembly.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the packing machine of Pruett's invention with that of a sortation assembly in order to further process or arrange the products being conveyed prior to reaching a packaging machine. Sortation assemblies are well known in the art and are seen as an obvious variation, depending on the needs of the user.

### ***Conclusion***

1. Any inquiry concerning this communication should be directed to Rashmi Sharma who can be reached at 703-306-5952 Monday through Friday.

Any general inquiry concerning the status of this application should be directed to the Group receptionist who can be reached at 703-308-1113 Monday through Friday.

  
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